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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,140	03/03/2006	Santeri Anttalainen	P17183-US1	3295
27045	7590	08/20/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			MANOJARAN, MUTHUSWAMY GANAPATHY	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			08/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/595,140

Applicant(s)

ANTTALAINEN ET AL.

ExaminerMUTHUSWAMY G.
MANOHARAN**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Examiner missed claim 6 in the previous office action. The claim 6 has been included in the current office action.

Applicant's arguments with respect to claims have been considered but are not persuasive.

Applicant argues that Ernani does not teach communicating directly without utilizing any secondary communication control entity as a relay.

Ernani teaches **"With respect to inter-MSC handovers, there will not be a need for Inter-MSC handovers within the system. When there is an incoming mobile unit from another network, only then will there be a need to do an inter-MSC handover"**, (Col. 10, 41-43). Therefore, when there is no inter-MSC handovers and therefore, communicating directly by said communication control entity with the mobile communication device

It is to be further noted that the dispatcher MSC (DMSC) along with one of the pool of MSC can act as a primary control entity.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ernam et al. (hereinafter Ernam) (US 6097951).

Regarding **claim 1**, Ernam teaches a method of controlling a communication control entity in a communication control part of a mobile communication network that comprises said communication control part (**items 32, 34, 36 and 38 in Figure 3**) and an access part(**item 28 in Figure 3**), said communication control entity acting as a primary communication entity (**any of the MSC along with the dispatcher MSC (DMSC) act as a primary control entity, Figure 3**)for a call communication and belonging to a pool of communication control entities among which no handover procedure is conducted as long as a mobile communication device moves among service realms associated with a predetermined number of access control entities that are connected to said pool, (**Figures 3-4; “pool of mobile switching centers (items 34, 36 and 38 in figure 3 are interconnected with one another”**, Abstract, **“With respect to inter-MSC handovers, there will not be a need for Inter-MSC handovers within the system. When there is an incoming mobile unit from another network, only then will there be a need to do an inter-MSC handover”**, Col. 10, 41-43), said method comprising the steps:

receiving a handover request for removing a first secondary communication control entity from a control process for controlling said call communication and adding a second secondary communication control entity (**“handover processing”**, Col. 10, line 1; **“With respect to inter-MSC handovers, there will not be a need for Inter-MSC handovers within the system. When there is an incoming mobile unit from**

another network, only then will there be a need to do an inter-MSD handover",
Col. 10, 41-43);

determining whether said second secondary communication control entity belongs to said pool, and if said second secondary communication control entity belongs to said pool, rejecting said second secondary communication control entity to said control procedure and instead communicating directly by said communication control entity with the mobile communication device of which said given call communication is being controlled via an access control entity connected to said primary communication control entity without utilizing any secondary communication control entity as a relay ("**with respect to inter-MSD handovers, there will not be a need for Inter-MSD handovers within the system", within the system here implies within the pool. . When there is an incoming mobile unit from another network, only then will there be a need to do an inter-MSD handover"; Col. 10, lines 39-47; "the dispatched router MSD will be able to break the transmission path from the serving MSD to the source BSC and establish a new connection towards target MSD", Col. 10, lines 31-36).**

The secondary communication control entity is not used as a relay, because no inter-MSD handover is being performed within the pool.

Regarding **claim 2**, Ernam teaches the method of claim 1, wherein said primary communication control entity determines whether said second secondary communication control entity belongs to said pool by determining an identifier of said second secondary communication control entity from said handover request and

comparing said identifier with a list of identifiers of communication control entities belonging to said pool (items 46,48 and 56 in Figures 3-4) .

Regarding **claim 3**, Ernam teaches the method of claim 1, wherein said primary communication control entity determines whether said second secondary communication control entity belongs to said pool by determining an identifier of an access control entity connected to said second secondary communication control entity from said handover request and comparing said identifier with a list of identifiers of access control entities belonging to said predetermined number of access control entities ("MSC/VLR", "VLR_id", Col. 4, lines 41-55, Figures 3-4).

Claim 5 and 6 are rejected for the same reason as set forth in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUTHUSWAMY G. MANOHARAN whose telephone number is (571)272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Muthuswamy G Manoharan/
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617